

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

<b>JAMES B. BRYAN</b>	)	
Claimant	)	
	)	
VS.	)	
	)	
<b>KANSAS FORKLIFT, INC.</b>	)	
Respondent	)	Docket No. 265,573
	)	
AND	)	
	)	
<b>CONTINENTAL WESTERN INS. CO.</b>	)	
Insurance Carrier	)	

**ORDER**

Claimant requested review of the March 14, 2003 Award by Administrative Law Judge (ALJ) John D. Clark. The Board heard oral argument on September 17, 2003.

**APPEARANCES**

Randall J. Price of Wichita, Kansas, appeared for the claimant. Nathan D. Burghart of Topeka, Kansas, appeared for respondent and its insurance carrier.

**RECORD AND STIPULATIONS**

The Board has considered the record and adopted the stipulations listed in the Award.

**ISSUES**

The ALJ found claimant suffered a five percent permanent partial disability to his left arm based on the functional impairment rating opinion given by Dr. Michael Munhall. Claimant contends he has proven a 21 percent whole person impairment of function as

testified to by Dr. Pedro Murati and, in addition, is entitled to a permanent partial disability award based on a 61.42 percent work disability.<sup>1</sup>

Respondent argues that claimant's permanent impairment is limited to his left wrist and therefore the ALJ's Award should be affirmed.

The nature and extent of claimant's disability is the only issue for the Board's review.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Having reviewed the entire evidentiary record filed herein, and having considered the parties' briefs and oral arguments, the Board finds and concludes that the ALJ's Award should be affirmed. The ALJ's Award sets out findings of fact and conclusions of law in some detail. It is not necessary to repeat those in this Order. The Board agrees with the analysis of the evidence and law as set forth in the Award and adopts the ALJ's findings, conclusions and orders as its own.

**AWARD**

**WHEREFORE**, the Award entered by Administrative Law Judge John D. Clark dated March 14, 2003, is affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of September 2003.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

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<sup>1</sup>Claimant requests a 61.42 percent work disability based upon a 22.8 percent task loss and a one hundred percent wage loss. The average of these two numbers is actually 61.9 percent.

c:     Randall J. Price, Attorney for Claimant  
       Nathan D. Burghart, Attorney for Respondent and its Insurance Carrier  
       John D. Clark, Administrative Law Judge  
       Paula S. Greathouse, Workers Compensation Director